



also claimed to be entitled to additional compensation for work performed for which he was never paid.

2. Defendant contends that all Plaintiffs were exempt from overtime pursuant to 29 U.S.C. § 207(i) and that Plaintiff Denny was properly paid for all of the work he performed.

3. Counsel for both parties have shared extensive information believed to support their respective positions.

4. Despite this, good faith disputes between the parties remain, including:

- (a) Whether Plaintiffs were exempt from overtime pursuant to 29 U.S.C. § 207(i);
- (b) The precise number of hours that each Plaintiff worked each week during the previous three year period;
- (c) The method to be used to calculate unpaid wages due;
- (d) The amount of work, if any, performed by Plaintiff Denny for which he was not paid;
- (e) The amount of liquidated damages, if any, to which Plaintiffs might be entitled;

(f) The amount of attorney's fees, if any, to which Plaintiffs' attorneys are entitled to recover.

5. In order to settle the foregoing and all other outstanding issues, the parties have entered into a Settlement Agreement and Release which contains all of the material terms of the agreement between the parties. In order to provide the Court with the opportunity to review the terms of the agreement while maintaining the confidentiality of the settlement terms, the Settlement Agreement and Release will be presented to the Court for an *in camera* review.

6. The parties believe that the Settlement Agreement and Release is a fair and reasonable resolution of Plaintiffs' claims and that the Court should approve the Agreement.

7. The parties further agree that, upon the Court's approval of this Joint Motion, the action should be dismissed with prejudice with respect to Plaintiffs Denny, Lewis, Johnson, Dobbs and Harris and without prejudice with respect to Plaintiff Huynh.

WHEREFORE, the parties pray that the Court grant this Joint Motion to Approve Settlement and further order the dismissal of this action as set forth in the proposed Order submitted herewith.

RESPECTFULLY SUBMITTED, this 24th day of August, 2011.

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